



MICHAEL A. CARDOZO
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET, ROOM 5-189
NEW YORK, NY 10007

Michelle Goldberg-Cahn
Senior Counsel

Tel: (212) 788-0758
Fax: (212) 791-9714
email: migoldbe@law.nyc.gov

January 5, 2009

VIA ECF

The Honorable Kiyo A. Matsumoto
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Outlaw v. City of New York, et al., 08 CV 1324 (KAM)(RER)

Dear Hon. Judge Matsumoto:

This office represents defendants the City of New York and the District Attorney of Kings County in the above-referenced matter. I write to advise the Court that the parties have resolved the pending motion to dismiss and for judgment on the pleadings, filed with the Court on December 17, 2008 (Docket Nos. 14, 15, and 16), and the case as a whole. A copy of an executed Stipulation and Order of Dismissal is annexed hereto for your review and consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "M. Goldberg-Cahn".

Michelle Goldberg-Cahn (MG-4490)
Assistant Corporation Counsel

Encl.

cc: Michael Colihan, Esq. -- Counsel for Plaintiff

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X
DOROTHY OUTLAW,

Plaintiff,

-against-

THE CITY OF NEW YORK, POLICE OFFICER JAVIER
VELEZ, THE DISTRICT ATTORNEY OF KINGS
COUNTY, and KEVIN JAMES,

Defendants.
----- X

**STIPULATION AND ORDER
OF DISMISSAL**

08 CV 1324 (KAM)(RER)

WHEREAS, plaintiff commenced the instant action by filing and Summons and Complaint on or about April 2, 2008, challenging the constitutionality and legality of the actions of the New York City Police Department in seizing the 2002 Lexus motor vehicle bearing Vehicle Identification Number JTHBF30G220015882 (the “subject vehicle”) on August 7, 2007; and

WHEREAS, defendants filed an answer dated June 19, 2008, denying any and all liability arising out of plaintiff’s allegations; and

WHEREAS, defendants served a motion to dismiss and for judgment on the pleadings, by Notice of Motion, Declaration in Support, and Memorandum of Law, dated November 24, 2008; and

WHEREAS, the plaintiffs and the defendants now desire to resolve the issues raised in this litigation without further proceedings and without admitting any fault or liability;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed, with prejudice, and without costs, expenses, or fees.

2. Notwithstanding the foregoing, nothing in this paragraph shall limit the right of plaintiff to assert any lawful defense in the state court proceeding, entitled Property Clerk, New York City Police Department v. Kendu Outlaw, Dorothy Outlaw, Kelvin Outlaw, and Manufacturers and Traders Trust Co., bearing Index No. 401134/08.

3. This stipulation is not to be construed as an admission that defendants violated plaintiff's constitutional rights or are in any way liable on plaintiff's constitutional claims.

4. This stipulation, and the settlement it represents, is not related to and shall not be admissible in any other litigation or settlement negotiation.

5. This stipulation contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this stipulation regarding the subject matter of the instant action shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

6. Counsel for the parties have reviewed and revised this stipulation, and any rule of construction, by which any ambiguities are to be resolved against the drafting party, shall not be applied in the interpretation of this stipulation.

7. This stipulation may be submitted to the Court to be so ordered, docketed and filed without further notice to any party.

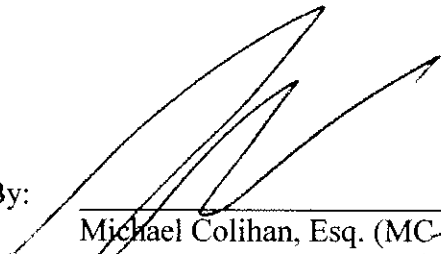
Dated: New York, New York
December 19, 2008

New York, N.Y.
Dated: January 5, 2009

Michael Colihan, Esq.
Counsel for Plaintiff
44 Court Street, Suite 911
Brooklyn, New York 11201
(718) 488-7788


MICHAEL A. CARDOZO
Corporation Counsel of the
City of New York
Counsel for Defendants City of New
York and District Attorney of Kings
County
100 Church Street
New York, New York 10007
(212) 788-0758

By:


Michael Colihan, Esq. (MC-)

0826

By:


Michelle Goldberg-Cahn (MG-

4490)

Assistant Corporation Counsel

SO ORDERED:

Hon. Kiyo A. Matsumoto, U.S.D.J.